

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES FARRELL,

Plaintiff,

Case No. 14-cv-11781

v.

HONORABLE STEPHEN J. MURPHY, III

US BANK NATIONAL ASSOCIATION, and
WELLS FARGO BANK, NA,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION** (document no. 9) **AND DENYING
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER** (document no. 5)

Plaintiff James Farrell filed this pro se civil action alleging numerous claims, including violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, violations of Michigan law, and criminal forgery against defendants US Bank National Association ("US Bank") and Wells Fargo Bank, NA ("Wells Fargo"), that allegedly arose out of the mortgage foreclosure of his residence. At the same time he filed his complaint, Farrell also filed an ex parte motion for a temporary restraining order, asking the Court to prevent the defendants from seeking re-issuance of an order to evict him from his home. The Court referred all pre-trial proceedings to a United States Magistrate Judge for resolution or recommendation. On May 14, 2014, the magistrate judge issued a Report and Recommendation ("Report"), recommending that Farrell's motion be denied because Farrell has not met his burden of demonstrating that he is entitled to a temporary restraining order. Although the magistrate judge directed Farrell to file any specific objections to the proposed findings and recommendations, he did not do so.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. *See Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation "de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard").

Because plaintiff did not file objections to the Report, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings and deny the motion for a temporary restraining order.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 9) is **ADOPTED**.

IT IS FURTHER ORDERED that Farrell's motion for temporary restraining order (document no. 5) is **DENIED**.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: June 3, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 3, 2014, by electronic and/or ordinary mail.

s/Carol Cohron

Case Manager